

AMENDED IN ASSEMBLY JUNE 29, 2015

SENATE BILL

No. 801

Introduced by Committee on Governance and Finance (Senators Hertzberg (Chair), Bates, Beall, Hernandez, Lara, Nguyen, and Pavley)

March 24, 2015

An act to amend Sections ~~16182 and 16183~~ 16180, 16182, 16183, 16190, 16191, and 16192 of the Government Code, ~~and to amend Sections 2515 and 20645.6 of~~ 2515, 20505, 20586, 20601, 20603, 20621, 20622, 20627, 20630, 20630.5, 20638, 20639.2, 20640.2, 20640.3, 20640.4, 20640.6, 20640.7, 20640.8, 20640.9, 20645.5, and 20645.6 of, and to repeal Sections 20633, 20639.3, 20639.4, 20639.5, 20639.6, 20639.7, 20639.8, and 20639.9 of, the Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

SB 801, as amended, Committee on Governance and Finance. Property tax postponement.

Existing law, on and after February 20, 2009, prohibited a person from filing a claim for postponement, and prohibited the Controller from accepting applications for postponement of ad valorem tax, under the Senior Citizens and Disabled Citizens Property Tax Postponement Law. Existing law, as of July 1, 2016, makes inoperative the prohibition against a qualifying person, as specified, filing a claim for postponement and the Controller from accepting applications for postponement under the program and repeals this prohibition on January 1, 2017.

This ~~bill~~ *bill*, among other things, would eliminate outdated references to “certificates of eligibility” that were previously used under the postponement law. *The bill would permit the Controller to release a*

lien if there is a foreclosure on an obligation secured by a lien that is senior in recording priority. The bill would standardize the definition of a claimant so that all references include blind and disabled persons, as defined. The bill would eliminate references to certain duties on the part of local tax officials, with respect to lien notices, to conform to the superseding duties of the Controller in preparing and filing the notice of lien for postponed taxes with the county recorder at the time payment is made, and would specify payments by the Controller to the county and the refund by the county of taxes paid when a taxpayer successfully appeals his or her denial of postponement under the law. The bill would also clarify that the interest rate on existing loans made prior to the postponement law's suspension will continue to accrue at the rate specified prior to the suspension of the program. The bill would remove references regarding the eligibility of mobilehome properties to participate in the program and would add references specifying that co-op properties are eligible for the program. The bill would also delete and update outdated references and make other technical and conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 16180 of the Government Code is
2 amended to read:
3 16180. (a) There is hereby created in the State Treasury a
4 Senior Citizens and Disabled Citizens Property Tax Postponement
5 Fund. The fund shall be an interest-bearing fund. Subject to
6 subdivision (b) and notwithstanding Section 13340, the fund is
7 continuously appropriated to the Controller, commencing January
8 1, 2015, for purposes of administering this chapter, including, but
9 not limited to, necessary administrative costs and disbursements
10 relating to the postponement of property taxes pursuant to the
11 ~~Senior Citizens and Disabled Citizens Property Tax Postponement~~
12 ~~Law (Chapter 2 (commencing with Section 20581) 20581), Chapter~~
13 ~~3 (commencing with Section 20625), and Chapter 3.5 (commencing~~
14 ~~with Section 20640)) of Part 10.5 of Division 2 of the Revenue~~
15 ~~and Taxation Code).~~
16 (b) The Controller shall do both of the following:

1 (1) On June 30, 2017, transfer any moneys in the fund in excess
2 of twenty million dollars (\$20,000,000) to the General Fund.

3 (2) On June 30, 2018, and on June 30 each year thereafter,
4 transfer any moneys in the fund in excess of fifteen million dollars
5 (\$15,000,000) to the General Fund.

6 (c) On or after January 1, 2015, any loan repayments relating
7 to the Senior Citizens and Disabled Citizens Property Tax
8 Postponement Law shall be deposited into the Senior Citizens and
9 Disabled Citizens Property Tax Postponement Fund.

10 (d) Any funds remaining upon the effective date of this section
11 in an impound account formerly provided for pursuant to this
12 chapter, shall be transferred to the Senior Citizens and Disabled
13 Citizens Property Tax Postponement Fund.

14 ~~SECTION 1.~~

15 *SEC. 2.* Section 16182 of the Government Code is amended
16 to read:

17 16182. (a) All sums paid by the Controller under the provisions
18 of this chapter, together with interest thereon, shall be secured by
19 a lien in favor of the State of California when funds are transferred
20 to the county by the Controller upon the real property for which
21 property taxes have been postponed. In the case of a residential
22 dwelling which is part of a larger parcel taxed as a unit, such as a
23 duplex, farm, or multipurpose or multidwelling building, the lien
24 shall be against the entire tax parcel.

25 (b) In the case of real property:

26 (1) The lien shall be evidenced by a notice of lien for postponed
27 property taxes executed by the Controller, or the authorized
28 delegate of the Controller, and shall secure all sums paid or owing
29 pursuant to this chapter, including amounts paid subsequent to the
30 initial payment of postponed taxes on the real property described
31 in the notice of lien.

32 (2) The notice of lien may bear the facsimile signature of the
33 Controller. Each signature shall be that of the person who shall be
34 in the office at the time of execution of the notice of lien; provided,
35 however, that such notice of lien shall be valid and binding
36 notwithstanding any such person having ceased to hold the office
37 of Controller before the date of recordation.

38 (3) The form and contents of the notice of lien for postponed
39 property taxes shall be prescribed by the Controller and shall
40 include, but not be limited to, the following:

1 (A) The names of all record owners of the real property for
2 which the Controller has advanced funds for the payment of real
3 property taxes.

4 (B) A description of the real property for which real property
5 taxes have been paid.

6 (C) The identification number of the notice of lien which has
7 been assigned the lien by the Controller.

8 (4) Within 14 business days of the transfer of funds and the
9 notice of lien to the county by the Controller, the notice of lien
10 shall be recorded in the office of the county recorder for the county
11 in which the real property subject to the lien is located.

12 (5) The recorded notice of lien shall be indexed in the Grantor
13 Index to the names of all record owners of the real property and
14 in the Grantee Index to the Controller of the State of California.

15 (6) After the notice of lien has been duly recorded and indexed,
16 it shall be returned by the county recorder to the office of the
17 Controller. The recorder shall provide the county tax collector with
18 a copy of the notice of lien which has been executed by the
19 Controller.

20 (7) From the time of recordation of a notice of lien for postponed
21 property taxes, a lien shall attach to the real property described
22 therein and shall have the priority of a judgment lien for all
23 amounts secured thereby, except that the lien shall remain in effect
24 until it is released by the Controller in the manner prescribed by
25 ~~Section 16186~~. *either of the following occurs:*

26 (A) *It is released by the Controller in the manner prescribed by*
27 *Section 16186.*

28 (B) *The foreclosure or sale of an obligation secured by a lien*
29 *which is senior in recording priority to the lien of the State of*
30 *California.*

31 (c) In the case of mobilehome loans established prior to February
32 20, 2009, all of the following shall apply:

33 (1) The lien shall be evidenced by a notice of lien for postponed
34 property taxes executed by the Controller, or the authorized
35 delegate of the Controller, and shall secure all sums paid owing
36 pursuant to this chapter.

37 (2) From the time that the Department of Housing and
38 Community Development receives the notice of lien from the
39 Controller, the department shall impose a moratorium on any other
40 amendments to the permanent title record of the mobilehome unit

1 until released by the Controller in the manner prescribed by Section
2 16186, or an authorization for the amendments is given by the
3 Controller in writing.

4 (3) From the time of filing a notice of lien, a lien shall attach to
5 the mobilehome for which eligibility for the postponement of
6 property taxes has been granted.

7 ~~SEC. 2.~~

8 *SEC. 3.* Section 16183 of the Government Code is amended
9 to read:

10 16183. (a) From the time a payment is made pursuant to
11 Section 16180, the amount of that payment shall bear interest at a
12 rate (not compounded), determined as follows:

13 (1) Beginning July 1, 2016, the rate of interest shall be 7 percent
14 per annum.

15 (2) The Controller shall establish an adjusted rate of interest for
16 the purpose of this subdivision not later than July 15th of any year
17 if the effective annual yield of the Pooled Money Investment
18 Account for the prior fiscal year is at least a full percentage point
19 more or less than the interest rate which is then in effect. The
20 adjusted rate of interest shall be equal per annum to the effective
21 annual yield earned in the prior fiscal year by the Pooled Money
22 Investment Account rounded to the nearest full percent, and shall
23 become effective for new deferrals, beginning on July 1, 1984,
24 and on July 1 of each immediately succeeding year, until June 30,
25 2016.

26 (3) For loans made prior to June 30, 2016, the rate of interest
27 provided pursuant to this subdivision for the first fiscal year
28 commencing after payment is made pursuant to Section 16180
29 shall apply for that fiscal year and each fiscal year thereafter until
30 these postponed property taxes are repaid.

31 (b) The interest provided for in subdivision (a) shall be applied
32 beginning the first day of the month following the month in which
33 that payment is made and continuing on the first day of each month
34 thereafter until that amount is paid. In the event that any payments
35 are applied, in any month, to reduce the amount paid pursuant to
36 Section 16180, the interest provided for herein shall be applied to
37 the balance of that amount beginning on the first day of the
38 following month.

39 (c) In computing interest in accordance with this section,
40 fractions of a cent shall be disregarded.

1 (d) For the purpose of this section, the time a payment is made
2 shall be deemed to be the time an electronic funds transfer is made
3 by the Controller to the tax collector or the delinquency date of
4 the respective tax installment, whichever is later.

5 (e) The Controller shall include on forms supplied to claimants
6 pursuant to Sections 20621, 20630.5, 20639.9, 20640.9, and 20641
7 of the Revenue and Taxation Code, a statement of the interest rate
8 which shall apply to amounts postponed for the fiscal year to which
9 the form applies.

10 *SEC. 4. Section 16190 of the Government Code is amended to*
11 *read:*

12 16190. All amounts owing pursuant to Article 1 (commencing
13 with Section 16180) of this chapter shall become due if any of the
14 following occurs:

15 (a) The claimant, who is either the sole owner or sole possessory
16 interestholder of the residential dwelling, as defined in Section
17 20583 or Section 20640 of the Revenue and Taxation Code, or a
18 coowner or copossessory interestholder with a person other than
19 a spouse or other individual eligible to postpone property taxes
20 pursuant to Chapter 2 (commencing with Section 20581), *Chapter*
21 *3 (commencing with Section 20625)*, Chapter 3.3 (commencing
22 with Section 20639), or Chapter 3.5 (commencing with Section
23 20640) of Part 10.5 of Division 2 of such code, ceases to occupy
24 the premises as his residential dwelling, dies, or sells, conveys, or
25 disposes of the property, or allows any tax or special assessment
26 on the premises described in Section 20583 of such code to become
27 delinquent. If the sole owner or possessory interestholder claimant
28 dies and his or her surviving spouse inherits the premises and
29 continues to own and occupy it as his or her principal place of
30 residence, then the lien amount does not become due and payable
31 unless taxes or special assessments described in the preceding
32 sentence become delinquent, or such surviving spouse dies, or
33 sells, conveys, or disposes of the interest in the property.

34 (b) The claimant, who is a coowner or copossessory
35 interestholder of the residential dwelling, as defined in Section
36 20583 or Section 20640.2 of the Revenue and Taxation Code, with
37 a spouse or another individual eligible to postpone property taxes
38 pursuant to Chapter 2 (commencing with Section 20581), *Chapter*
39 *3 (commencing with Section 20625)*, Chapter 3.3 (commencing
40 with Section 20639), or Chapter 3.5 (commencing with Section

1 20640) of Part 10.5 of Division 2 of such code, dies, and the
2 surviving spouse or other surviving eligible individual allows any
3 tax or special assessment on the premises described in Section
4 20583 of such code to become delinquent or such surviving spouse
5 or other individual ceases to occupy the premises as a residential
6 dwelling, dies, or conveys, or disposes of the interest in the
7 property.

8 (c) The failure of the claimant to perform those acts the claimant
9 is required to perform where such performance is secured, or will
10 be secured in the event of nonperformance, by a lien which is
11 senior to that of the lien provided by Section 16182.

12 (d) Postponement was erroneously allowed because eligibility
13 requirements were not met.

14 (e) The claimant is refinancing the residential dwelling.

15 (f) The claimant has elected to participate in a reverse mortgage
16 program for the residential dwelling.

17 *SEC. 5. Section 16191 of the Government Code is amended to*
18 *read:*

19 16191. The amounts paid pursuant to Section 16180 shall
20 continue to draw interest but amounts owing pursuant to Article
21 1 (commencing with Section 16180) of this chapter shall not
22 become due and payable if any of the following occurs:

23 (a) The claimant continues to own and occupy or hold the
24 possessory interest and occupy the premises as a residential
25 dwelling, but ceases to postpone property taxes pursuant to Chapter
26 2 (commencing with Section 20581), *Chapter 3 (commencing with*
27 *Section 20625)*, Chapter 3.3 (commencing with Section 20639),
28 or Chapter 3.5 (commencing with Section 20640) of Part 10.5 of
29 Division 2 of the Revenue and Taxation Code, and does not allow
30 any tax or assessment against the premises, as described in Section
31 20583 of such code, to become delinquent.

32 (b) The surviving spouse of a claimant continues to own and
33 occupy or hold the possessory interest and occupy the premises
34 as a residential dwelling, but is ineligible to postpone property
35 taxes pursuant to Chapter 2 (commencing with Section 20581),
36 *Chapter 3 (commencing with Section 20625)*, Chapter 3.3
37 (commencing with Section 20639), or Chapter 3.5 (commencing
38 with Section 20640) of Part 10.5 of Division 2 of the Revenue and
39 Taxation Code, or elects not to postpone such taxes, and does not

1 allow any tax or assessment against the premises, as described in
2 Section 20583 of such code, to become delinquent.

3 (c) The surviving individual otherwise eligible to postpone
4 property taxes pursuant to Chapter 2 (commencing with Section
5 20581), *Chapter 3 (commencing with Section 20625)*, Chapter 3.3
6 (commencing with Section 20639), or Chapter 3.5 (commencing
7 with Section 20640) of Part 10.5 of Division 2 of the Revenue and
8 Taxation Code continues to own and occupy or hold the possessory
9 interest and occupy the premises as a residential dwelling, but
10 elects not to postpone the property taxes pursuant to such chapter,
11 and does not allow any tax or assessment against the premises, as
12 described in Section 20583 of such code, to become delinquent.

13 *SEC. 6. Section 16192 of the Government Code is amended to*
14 *read:*

15 16192. If, at any time, a person meeting the requirements of
16 subdivision (a) or (c) of Section 16191 elects, or any surviving
17 spouse described in subdivision (b) of such section becomes
18 eligible, or otherwise elects, to postpone property taxes pursuant
19 to Chapter 2 (commencing with Section 20581), ~~Chapter 3.3~~
20 ~~(commencing with Section 20639)~~; *Chapter 3 (commencing with*
21 *Section 20625)*, or Chapter 3.5 (commencing with Section 20640)
22 of Part 10.5 of Division 2 of the Revenue and Taxation Code,
23 payments made pursuant to Section 16180 shall be added to the
24 amount of the lien existing against the residential dwelling.

25 ~~SEC. 3.~~

26 *SEC. 7. Section 2515 of the Revenue and Taxation Code is*
27 *amended to read:*

28 2515. (a) Upon receiving a “notice of lien for postponed
29 property taxes” from the Controller, the tax collector or the
30 assessor, whichever is applicable, shall immediately enter on the
31 assessment records applicable to the property, the fact that the
32 taxes on the property have been postponed and the Controller’s
33 identification number, and shall, if such record reveals a change
34 in the ownership status of the property subsequent to the date of
35 entry of the postponement information thereon, notify the
36 Controller within 60 days of processing the change in the
37 ownership status in the manner prescribed by the Controller.

38 (b) From the time of recordation of the notice of lien pursuant
39 to Section 16182 of the Government Code, the lien for postponed
40 property taxes shall be deemed to impart constructive notice of

1 the contents thereof to subsequent purchasers, mortgagees, lessees,
2 and other lienors.

3 *SEC. 8. Section 20505 of the Revenue and Taxation Code is*
4 *amended to read:*

5 20505. “Claimant” means an individual who—

6 (a) For purposes of this chapter was either (1) 62 years of age
7 or older on the last day of the calendar year or approved fiscal year
8 designated in subdivision (b) or (c) of Section 20503, whichever
9 is applicable, or (2) blind or disabled, as defined in Section 12050
10 of the Welfare and Institutions Code on the last day of the calendar
11 year or approved fiscal year designated in subdivision (b) of
12 Section 20503, who was a member of the household, and who was
13 either: (1) the owner and occupier of a residential dwelling on the
14 last day of the year designated in subdivision (b) or (c) of Section
15 20503, or (2) the renter of a rented residence on or before the last
16 day of the year designated in subdivision (b) of Section 20503. An
17 individual who qualifies as an owner-claimant may not qualify as
18 a renter-claimant for the same year.

19 (b) ~~(1)~~ For purposes of Chapter 2 (commencing with Section
20 20581), Chapter 3 (commencing with Section 20625), Chapter 3.3
21 (commencing with Section 20639), and Chapter 3.5 (commencing
22 with Section 20640) was a member of the household and either an
23 owner-occupant, or a tenant stockholder occupant, or a possessory
24 interestholder occupant, or a mobilehome owner-occupant, as the
25 case may be, of the residential dwelling as to which postponement
26 is claimed on the last day of the year designated in subdivision (b)
27 or (c) of Section 20503, and who was (1) 62 years of age or older
28 by December 31 of the fiscal year for which postponement is
29 claimed.

30 ~~(2) For purposes of Chapter 2 (commencing with Section~~
31 ~~20581), Chapter 3 (commencing with Section 20625), Chapter 3.3~~
32 ~~(commencing with Section 20639), and Chapter 3.5 (commencing~~
33 ~~with Section 20640) was a member of the household and an~~
34 ~~owner-occupant of the residential dwelling as to which~~
35 ~~postponement is claimed on the last day of the year designated in~~
36 ~~subdivision (c) of Section 20503, and who was claimed, or (2)~~
37 ~~blind or disabled, as defined in Section 12050 of the Welfare and~~
38 ~~Institutions Code, at the time of application or on December 10 of~~
39 ~~the fiscal year for which postponement is claimed, whichever is~~
40 ~~earlier.~~

1 ~~(e) Where amounts have been postponed for any given fiscal~~
2 ~~year and the claimant continues to own and occupy the residential~~
3 ~~dwelling on December 31 of the calendar year in which the fiscal~~
4 ~~year begins, and the claimant sells the dwelling and buys a new~~
5 ~~residential dwelling in this state on or before December 31 of the~~
6 ~~following fiscal year and the new dwelling is the claimant's~~
7 ~~principal place of residence, then in that event, the claimant shall~~
8 ~~be deemed to be a qualified claimant for the purpose of this section.~~
9 ~~These regulations shall become effective immediately upon filing~~
10 ~~with the Secretary of State.~~

11 *SEC. 9. Section 20586 of the Revenue and Taxation Code is*
12 *amended to read:*

13 20586. For the purposes of Chapter 2 (commencing with
14 Section 20581), Chapter 3 (commencing with Section 20625),
15 Chapter 3.3 (commencing with Section 20639), and Chapter 3.5
16 (commencing with Section 20640), only one claimant per
17 household each year shall be entitled to postponement. When two
18 or more individuals in a household are qualified as claimants, they
19 may determine who the claimant shall be. Such decision is
20 irrevocable. If the individuals are unable to agree, the matter shall
21 be determined by the Controller and his *or her* decision shall be
22 final.

23 *SEC. 10. Section 20601 of the Revenue and Taxation Code is*
24 *amended to read:*

25 20601. Subject to the limitations provided in this chapter, a
26 claimant may file with the Controller, pursuant to Article 3
27 (commencing with Section 20621) of this chapter, a claim for
28 postponement from the State of California of a sum equal to, but
29 not exceeding, the amount of property taxes, as defined in Section
30 20584, due on the residential dwelling for the fiscal year for which
31 the claim is made. ~~Claims for the 1977-78 fiscal year only shall~~
32 ~~also constitute a claim for any amounts described in subparagraph~~
33 ~~(B) of paragraph (4) of subdivision (b) of Section 20583.~~

34 *SEC. 11. Section 20603 of the Revenue and Taxation Code is*
35 *amended to read:*

36 20603. The Controller shall prescribe the manner in which a
37 claimant eligible under this chapter, who for any reason is
38 incapacitated, may appoint his or her spouse or an authorized agent,
39 or have any such person appointed for such claimant, for all

1 purposes of claiming and ~~using certificates of eligibility for the~~
2 *receiving* postponement of property taxes.

3 *SEC. 12. Section 20621 of the Revenue and Taxation Code is*
4 *amended to read:*

5 20621. Each claimant applying for postponement under Article
6 2 (commencing with Section 20601) shall file a claim under penalty
7 of perjury with the Controller on a form supplied by the Controller.
8 The claim shall contain all of the following:

9 (a) Evidence acceptable to the Controller that the person ~~was a~~
10 ~~“senior citizen claimant” or a “blind or disabled claimant.”~~ (1) *is*
11 *62 years of age or older on or before December 31 of the fiscal*
12 *year for which the postponement is claimed or (2) blind or*
13 *disabled, as defined in Section 12050 of the Welfare and*
14 *Institutions Code, at the time of application or on December 10*
15 *of the fiscal year for which the postponement is claimed, whichever*
16 *is earlier.*

17 (b) A statement showing the household income for the period
18 set forth in Section 20503.

19 (c) A statement describing the residential dwelling in a manner
20 that the Controller may prescribe.

21 (d) The name of the county in which the residential dwelling is
22 located and the address of the residential dwelling.

23 (e) The county assessor’s parcel number applicable to the
24 property for which the claimant is applying for the postponement
25 of property taxes.

26 (f) (1) Documentation evidencing the current existence of any
27 abstract of judgment, federal tax lien, or state tax lien filed or
28 recorded against the applicant, and any recorded mortgage or deed
29 of trust that affects the subject residential dwelling, for the purpose
30 of determining that the claimant possesses a 40-percent equity in
31 the subject residential dwelling as required by paragraph (1) of
32 subdivision (b) of Section 20583.

33 (2) Actual costs, not in excess of fifty dollars (\$50), paid by the
34 claimant to obtain the documentation shall reduce the amount of
35 the lien for the year, but not the face amount of the payment
36 prescribed in Section 16180 of the Government Code.

37 (g) Other information required by the Controller to establish
38 eligibility.

39 *SEC. 13. Section 20622 of the Revenue and Taxation Code is*
40 *amended to read:*

1 20622. The claim for postponement shall be filed after
2 ~~September 1~~ *October 1* of the fiscal year in which the
3 postponement is claimed and on or before ~~April 10~~ *February 10*
4 of that fiscal year; if ~~April 10th~~ *February 10th* falls on Saturday,
5 Sunday, or a legal holiday, the date is extended to the next business
6 day.

7 *SEC. 14. Section 20627 of the Revenue and Taxation Code is*
8 *amended to read:*

9 20627. A tenant-stockholder claimant (hereinafter referred to
10 as “claimant”) is an individual who, on the last day of the calendar
11 year ending immediately prior to the commencement of the fiscal
12 year for which postponement is claimed is: (a) a tenant-stockholder
13 in a cooperative housing corporation (as defined in Section 216(b)
14 of the Internal Revenue Code) and (b) occupies as a principal place
15 of residence a residential unit in the cooperative housing
16 corporation (notwithstanding Section 216(b) of the Internal
17 Revenue Code). For the purposes of this chapter, a claimant must
18 be (1) 62 years of age or older on or before December 31 of the
19 fiscal year for which postponement is ~~claimed.~~ *claimed or (2) blind*
20 *or disabled, as defined in Section 12050 of the Welfare and*
21 *Institutions Code, at the time of application or on December 10*
22 *of the fiscal year for which the postponement is claimed, whichever*
23 *is earlier.*

24 *SEC. 15. Section 20630 of the Revenue and Taxation Code is*
25 *amended to read:*

26 20630. (a) A claimant may file with the Controller, a claim
27 for postponement from the State of California of a sum equal to,
28 but not exceeding the amount of property taxes (as defined in
29 Section 20629) for the fiscal year for which the claim is made.

30 (b) Upon verification of the eligibility requirements set forth in
31 Section 20630.5, the Controller shall mail the claimant a Notice
32 of Election to Postpone which shall be in the form and contain
33 such information as the Controller may prescribe. Accompanying
34 the notice shall be a statement explaining that in order for the
35 claimant to postpone all or part of the property taxes, the Notice
36 of Election to Postpone must be mailed to the Controller with the
37 following:

38 (1) A statement signed by an authorized officer of the
39 cooperative housing corporation indicating the amount of the

1 claimant's proportionate share of property taxes and the method
2 used to compute such amount.

3 (2) A recognition agreement signed by the claimant and executed
4 by an officer of the corporation which acknowledges the
5 assignment of the proprietary lease and the pledging of the
6 claimant's shares in the corporation as security for postponement,
7 and sets forth the rights and duties of the state, the corporation and
8 the claimant with respect to such stock and the proprietary lease.
9 The recognition agreement shall be in such form and contain such
10 provisions as the Controller shall prescribe.

11 (3) Any other additional security interest, created and perfected
12 with respect to the rights of third persons in the manner provided
13 by law for such type of security interest, which the Controller
14 deems necessary to protect the interest of the state with regard to
15 the repayment of postponed amounts by the claimant or a deceased
16 claimant's estate.

17 (c) When the Controller approves the Notice of Election to
18 Postpone, ~~a warrant in the amount of taxes the claimant wishes to~~
19 ~~postpone shall be mailed to the claimant. All Notices of Election~~
20 ~~to Postpone shall be mailed to the Controller no later than June 30~~
21 ~~of the fiscal year for which postponement is claimed. the Controller~~
22 ~~shall make payments directly to a county tax collector for the~~
23 ~~property taxes owed on behalf of the claimant. Payments may,~~
24 ~~upon appropriation by the Legislature, be made out of the amounts~~
25 ~~otherwise appropriated pursuant to Section 16100 of the~~
26 ~~Government Code that are secured by a secured tax lien and~~
27 ~~obligation as specified by Article 1 (commencing with Section~~
28 ~~16180) of Chapter 5 of Division 4 of the Government Code.~~

29 *SEC. 16. Section 20630.5 of the Revenue and Taxation Code*
30 *is amended to read:*

31 20630.5. Claims made under this chapter shall be filed with
32 the Controller after ~~May 15~~ *October 1* of the ~~calendar~~ *fiscal* year
33 in which ~~the fiscal year for which postponement is claimed begins,~~
34 and on or before ~~December~~ *February* 10 of such fiscal year. If
35 ~~December~~ *February* 10th falls on Saturday, Sunday or a legal
36 holiday, the date is extended to the next business day. The claim
37 shall be on a form supplied by the Controller and shall contain:

38 (a) Evidence acceptable to the Controller that the individual
39 was an eligible claimant.

1 (b) A statement showing the household income for the period
2 set forth in ~~subdivision (b)~~ of Section 20503.

3 (c) A statement describing the residential dwelling.

4 (d) Any other information necessary for the Controller to
5 determine eligibility under this chapter.

6 *SEC. 17. Section 20633 of the Revenue and Taxation Code is*
7 *repealed.*

8 ~~20633. If the interests of the state are adequately protected, the~~
9 ~~Controller may subordinate the state's security for amounts~~
10 ~~postponed under this chapter.~~

11 *SEC. 18. Section 20638 of the Revenue and Taxation Code is*
12 *amended to read:*

13 20638. Upon *written* request of a person who has postponed
14 pursuant to this chapter, or an agent of such person, or an agent of
15 the affected cooperative housing corporation, the Controller shall
16 issue such person a written statement showing the total amount
17 postponed, together with accrued interest. The Controller may
18 establish a reasonable fee, not to exceed ~~ten~~ *thirty* dollars ~~(\$10)~~
19 ~~(\$30)~~ for the provision of the statement of postponement status
20 provided by this section.

21 *SEC. 19. Section 20639.2 of the Revenue and Taxation Code*
22 *is amended to read:*

23 20639.2. (a) As used in this part, "mobilehome" means a
24 mobilehome, as defined in Sections 18008 and 18211 of the Health
25 and Safety Code, to which one of the following applies:

26 (1) It was first sold new on or after July 1, 1980.

27 (2) It was first sold new on or before June 30, 1980, and with
28 respect to which the license fee required to be paid pursuant to
29 Part 5 (commencing with Section 10701) of Division 2 has been
30 delinquent for 120 days or more.

31 (3) It was first sold new on or before June 30, 1980, and a
32 request for voluntary transfer to local property taxation was made
33 pursuant to Section 18119 of the Health and Safety Code.

34 ~~(b) "Mobilehome," as used in this part, does not include a~~
35 ~~mobilehome which has become real property by being affixed to~~
36 ~~land on a permanent foundation system or otherwise and is taxed~~
37 ~~as all other real property is taxed.~~

38 *(b) As used in this chapter, "postponement" refers to*
39 *mobilehome loans established prior to February 20, 2009.*

1 *SEC. 20. Section 20639.3 of the Revenue and Taxation Code*
2 *is repealed.*

3 ~~20639.3. “Property taxes” means all ad valorem property taxes,~~
4 ~~special assessments, and other charges or user fees which are~~
5 ~~attributable to the residential dwelling on the county tax bill and~~
6 ~~the ad valorem property taxes, special assessments, or other charges~~
7 ~~or user fees appearing on the tax bill of any chartered city which~~
8 ~~levies and collects its own property taxes.~~

9 *SEC. 21. Section 20639.4 of the Revenue and Taxation Code*
10 *is repealed.*

11 ~~20639.4. (a) Subject to the limitations provided in Chapter 1~~
12 ~~(commencing with Section 20501) or Chapter 2 (commencing with~~
13 ~~Section 20581), a claimant may file with the Controller a claim~~
14 ~~for postponement of a sum equal to but not exceeding the amount~~
15 ~~of property taxes for the fiscal year for which the claim is made.~~

16 ~~(b) Any mobilehome on which property taxes are delinquent at~~
17 ~~the time the application for postponement under this chapter is~~
18 ~~made or on which any other property tax or special assessment~~
19 ~~imposed by a special district or other tax code are delinquent at~~
20 ~~the time the application for postponement under this chapter is~~
21 ~~made shall not be eligible for postponement.~~

22 ~~(c) The Controller shall mail to the claimant for due execution,~~
23 ~~the appropriate security instruments required by the Controller.~~

24 *SEC. 22. Section 20639.5 of the Revenue and Taxation Code*
25 *is repealed.*

26 ~~20639.5. The Controller may require security for the~~
27 ~~postponement of property taxes pursuant to this chapter, of the~~
28 ~~following:~~

29 ~~(a) A security interest in the mobilehome in the form and manner~~
30 ~~prescribed by the Controller.~~

31 ~~(b) Any other additional security interest created and perfected~~
32 ~~with respect to the rights of third persons in the manner provided~~
33 ~~by law for such type of security interest which the Controller deems~~
34 ~~necessary to protect the interest of the state with regard to the~~
35 ~~repayment of postponed amounts by the claimant or a deceased~~
36 ~~claimant’s estate.~~

37 ~~On the form supplied by the Controller, the claimant shall obtain~~
38 ~~the written consent of any legal owner if other than the claimant~~
39 ~~and the written consent of any junior lienholder. The consent shall~~
40 ~~be in such form and contain such provisions as the Controller shall~~

1 prescribe, and shall provide for written notice by the legal owner
2 and or junior lienholder to the Controller of the occurrence of a
3 default by the claimant under the terms of an existing security
4 agreement.

5 (e) The consent of all co-owners, if any, to the pledging of the
6 mobilehome as security for the repayment of postponed property
7 taxes.

8 *SEC. 23. Section 20639.6 of the Revenue and Taxation Code*
9 *is repealed.*

10 20639.6. (a) Upon receipt of the information described in
11 Section 20639.9, the Controller shall determine whether the state's
12 interest would be adequately protected if postponement is granted,
13 and, if so, the Controller shall issue to the claimant a certificate of
14 eligibility containing the name of the claimant, address of the
15 residential dwelling on which the claimant has applied for property
16 tax postponement, and such other information and in such form
17 as the Controller shall prescribe. In the event that the residential
18 dwelling is located in a chartered city which levies and collects its
19 own taxes, the Controller shall issue a duplicate certificate of
20 eligibility to pay all or any part of property taxes appearing on the
21 city's tax bill.

22 (b) The Controller shall forward to the Department of Housing
23 and Community Development a notice of lien notifying the
24 department that the mobilehome described in the statement has
25 been approved for property tax postponement. The notice shall be
26 in the form and contain the information prescribed by the
27 Controller.

28 (c) The department, upon receipt of the notice, shall amend the
29 permanent title record of the mobilehome to record the fact that
30 postponement has been approved.

31 (d) The Controller shall prescribe the form of certificates of
32 eligibility to pay all taxes and assessments authorized by this
33 chapter.

34 Upon or accompanying the certificates shall be a brief statement
35 explaining that, those taxpayers whose property taxes are paid by
36 a lender via an impound, trust, or other similar account shall enter
37 the total amount of each installment on the certificates and mail
38 the certificates to the tax collector and that they will receive a
39 refund check from the county or city in the amount they entered
40 on the certificate, within 30 days following the date on which the

1 installment is paid by the lender or the certificate of eligibility is
2 received by the tax collector, whichever is later.

3 (e) ~~When a certificate of eligibility has been signed by the~~
4 ~~claimant, the claimant's spouse, or authorized agent and~~
5 ~~countersigned by the person authorized to collect property taxes~~
6 ~~or assessments or the local agency, the certificate shall constitute~~
7 ~~a written promise on the part of the State of California to pay the~~
8 ~~sum of money specified therein and the signed and countersigned~~
9 ~~certificate shall be deemed a negotiable instrument for the sole~~
10 ~~purpose of the payment of property taxes owing in the name of~~
11 ~~the claimant or the claimant's spouse for purposes of all laws of~~
12 ~~this state.~~

13 (f) ~~A certificate of eligibility shall be valid for the duration~~
14 ~~prescribed thereon by the Controller.~~

15 (g) ~~The Controller shall issue certificates of eligibility at the~~
16 ~~times the Controller determines shall best implement the purpose~~
17 ~~of this chapter.~~

18 (h) ~~The Controller shall prescribe the manner in which a~~
19 ~~claimant eligible under this chapter, who has been issued a~~
20 ~~certificate of eligibility which is lost or destroyed prior to being~~
21 ~~filed with the local agency may obtain a duplicate copy of the~~
22 ~~certificate as a replacement. Under the conditions which may be~~
23 ~~prescribed by the Controller, a duplicate copy shall be deemed as~~
24 ~~having been filed with the local agency as of the date a claimant~~
25 ~~requests issuance of the duplicate copy.~~

26 *SEC. 24. Section 20639.7 of the Revenue and Taxation Code*
27 *is repealed.*

28 ~~20639.7. The Controller shall prescribe the manner in which~~
29 ~~a claimant eligible under this chapter, who for any reason is~~
30 ~~incapacitated, may appoint his or her spouse or an authorized agent,~~
31 ~~or have any such person appointed for the claimant, for all purposes~~
32 ~~of claiming and using certificates of eligibility for the~~
33 ~~postponement of property taxes.~~

34 *SEC. 25. Section 20639.8 of the Revenue and Taxation Code*
35 *is repealed.*

36 ~~20639.8. The claim for postponement shall be filed after May~~
37 ~~15 of the calendar year in which the fiscal year for which~~
38 ~~postponement is claimed begins, and on or before December 10~~
39 ~~of such fiscal year.~~

1 *SEC. 26. Section 20639.9 of the Revenue and Taxation Code*
 2 *is repealed.*

3 ~~20639.9. Each claimant applying for postponement under this~~
 4 ~~chapter shall file a claim under penalty of perjury with the~~
 5 ~~Controller on a form supplied by the Controller. The claim shall~~
 6 ~~contain all of the following information:~~

7 ~~(a) Evidence acceptable to the Controller that the person is a~~
 8 ~~senior citizen claimant.~~

9 ~~(b) A statement showing the household income for the period~~
 10 ~~set forth in Section 20503.~~

11 ~~(c) A statement describing the residential dwelling in the manner~~
 12 ~~the Controller may prescribe.~~

13 ~~(d) The name of the county in which the residential dwelling is~~
 14 ~~located and the address of the residential dwelling.~~

15 ~~(e) The county assessor's parcel number applicable to the~~
 16 ~~property for which the claimant is applying for the postponement~~
 17 ~~of property taxes.~~

18 ~~(f) A copy of the Certificate of Title issued by the Department~~
 19 ~~of Housing and Community Development or the certificate of~~
 20 ~~ownership issued by the Department of Motor Vehicles.~~

21 ~~(g) A copy of the registration card issued by the Department of~~
 22 ~~Housing and Community Development or the Department of Motor~~
 23 ~~Vehicles.~~

24 ~~(h) Other information required by the Controller to establish~~
 25 ~~eligibility.~~

26 *SEC. 27. Section 20640.2 of the Revenue and Taxation Code*
 27 *is amended to read:*

28 20640.2. For the purposes of this chapter:

29 (a) "Possessory interest" means (1) possession of, or right to
 30 the possession of land located in this state whether or not coupled
 31 with ownership of the residential dwelling on the same, or (2) a
 32 possessory interest or right of occupancy on tax exempt land;

33 (b) "Residential dwelling" means a dwelling occupied as the
 34 principal place of residence of the claimant, and so much of the
 35 land surrounding it as is reasonably necessary for use of the
 36 dwelling as a home, located on possessory interest property. It
 37 shall include condominiums and mobile homes upon which property
 38 taxes, as defined in subdivision (c), are assessed. It also includes
 39 part of a multidwelling or multipurpose building and a part of the
 40 land upon which it is built.

1 (c) “Property taxes” means the amount of property tax for which
2 the claimant is personally liable as assessee or is obligated to pay
3 directly to the tax collector pursuant to the terms of the agreement
4 establishing the possessory interest, including all ad valorem
5 property taxes, special assessments, capitalization of leasehold
6 interest, and other charges or user fees which are attributable to
7 the residential dwelling on the county tax bill and the ad valorem
8 property taxes, special assessments, capitalization of leasehold
9 interest, or other charges or user fees appearing on the tax bill of
10 any chartered city which levies and collects its own property taxes.

11 *SEC. 28. Section 20640.3 of the Revenue and Taxation Code*
12 *is amended to read:*

13 20640.3. A claimant is an individual who:

14 (a) Holds a right to a possessory interest pursuant to a validly
15 recorded instrument conveying such possessory interest for a term
16 of years no less than 45 years beyond the last day of the calendar
17 year ending immediately prior to the fiscal year for which taxes
18 are initially postponed;

19 (b) Occupies as a principal place of residence the residential
20 dwelling affixed to such possessory interest real property on the
21 last day of the year designated in Section 20503(c) of this code;

22 (c) ~~Is (1) Is~~ 62 years of age or older on or before December 31
23 of the fiscal year for which postponement is ~~claimed~~; *claimed or*
24 *(2) blind or disabled, as defined in Section 12050 of the Welfare*
25 *and Institutions Code, at the time of application or on December*
26 *10 of the fiscal year for which the postponement is claimed,*
27 *whichever is earlier.*

28 *SEC. 29. Section 20640.4 of the Revenue and Taxation Code*
29 *is amended to read:*

30 20640.4. (a) Subject to the limitations provided in Chapter 1
31 (commencing with Section 20501), Chapter 2 (commencing with
32 Section 20581), or this chapter, a claimant may file with the
33 Controller, a claim for postponement of a sum equal to, but not
34 exceeding the amount of property taxes, for the fiscal year for
35 which the claim is made.

36 (b) Upon verification of the eligibility requirements set forth in
37 Section 20640.9 the Controller shall mail the claimant a Notice of
38 Election to Postpone which shall be in the form and contain such
39 information as the Controller may prescribe. Accompanying the
40 notice shall be a statement explaining that in order for the claimant

1 to postpone all or part of the property taxes, the Notice of Election
2 to Postpone must be mailed to the Controller with a copy of the
3 instrument creating the possessory interest, said copy to be certified
4 by the county recorder of the county in which such real property
5 is located. Where a memorandum of lease has been recorded in
6 lieu of such instrument, a certified copy of said memorandum shall
7 accompany the copy of the instrument creating the possessory
8 interest.

9 (c) ~~(1)~~ Except as provided in this section, any possessory
10 interest or improvement on which property taxes are delinquent
11 at the time the application for postponement under this chapter is
12 made or on which any other property tax or special assessment
13 imposed by a special district or other tax code area are delinquent
14 at the time the application for postponement under this chapter is
15 made shall not be eligible for postponement.

16 ~~(2) For 1978–79 and thereafter, any taxes or assessments which~~
17 ~~became delinquent after the claimant was 62 and before a lien is~~
18 ~~established pursuant to Section 16182 of the Government Code~~
19 ~~shall not disqualify an otherwise eligible claimant for postponement~~
20 ~~under this chapter. An application to postpone taxes for 1978–79~~
21 ~~or thereafter also constitutes an application for postponement of~~
22 ~~all such delinquent taxes and assessments, together with any~~
23 ~~penalties, interest, fees, or other charges resulting from such~~
24 ~~delinquency and such amounts shall, unless otherwise paid by the~~
25 ~~claimant, be paid out of the amount appropriated by Section 16100~~
26 ~~of the Government Code and shall be added to and become part~~
27 ~~of the obligation secured by the lien provided by Section 16182~~
28 ~~of the Government Code.~~

29 ~~(d) The Controller shall mail to claimant for due execution the~~
30 ~~appropriate security instrument for claimant's form of lease,~~
31 ~~including the consent to assignment required by Section~~
32 ~~20640.5(b).~~

33 *SEC. 30. Section 20640.6 of the Revenue and Taxation Code*
34 *is amended to read:*

35 20640.6. (a) Upon receipt of the information described in
36 Section 20640.4 and Section 20640.5, the State Controller shall
37 determine whether the state's interest would be adequately
38 protected if postponement is granted, and if so, ~~shall issue to the~~
39 ~~claimant a certificate of eligibility containing the name of claimant,~~
40 ~~address of the residential dwelling on which the claimant has~~

1 applied for property tax postponement, and any other information
2 and in the form as the State Controller shall prescribe. In the event
3 that the residential dwelling is located in a chartered city which
4 levies and collects its own taxes, the Controller shall issue a
5 duplicate certificate of eligibility to pay all or any part of property
6 taxes appearing on the city's tax bill. *the Controller shall make*
7 *payments directly to a county tax collector for the property taxes*
8 *owed on behalf of the claimant. Payments may, upon appropriation*
9 *by the Legislature, be made out of the amounts otherwise*
10 *appropriated pursuant to Section 16100 of the Government Code*
11 *that are secured by a secured tax lien and obligation as specified*
12 *by Article 1 (commencing with Section 16180) of Chapter 5 of*
13 *Division 4 of the Government Code.*

14 (b) The Controller shall cause to be recorded with the county
15 recorder of the county in which the real property is located, a copy
16 of any instrument creating a security interest, which shall include
17 applicable consent forms, in favor of the state. The instrument
18 shall contain a legal description of the real property subject to the
19 possessory interest; and, if the legal description of the possessory
20 interest describes an area less than the entire property ownership,
21 the notice or document shall also contain a reference to the record
22 of the acquisition instrument to the entire parcel from which the
23 possessory interest was created. The priority of the security interest
24 shall be as of the date of recordation.

25 ~~(e) The Controller shall prescribe the form of certificates of~~
26 ~~eligibility to pay all delinquent taxes and assessments authorized~~
27 ~~by this chapter.~~

28 ~~Upon or accompanying each certificate shall be a brief statement~~
29 ~~explaining that (1) those taxpayers whose property taxes are paid~~
30 ~~by a lender via an impound, trust or other similar account should~~
31 ~~enter the total amount of each installment on the certificates and~~
32 ~~mail the certificates to the tax collector and (2) those taxpayers~~
33 ~~will receive a refund check from the county or city in the amount~~
34 ~~they entered on the certificate, within 30 days following the date~~
35 ~~on which the installment is paid by the lender or the certificate of~~
36 ~~eligibility is received by the tax collector, whichever is later.~~

37 ~~(d) When a certificate of eligibility has been signed by the~~
38 ~~claimant, his or her spouse, or authorized agent and countersigned~~
39 ~~by the person authorized to collect property taxes or assessments~~
40 ~~for the local agency, the certificate shall constitute a written~~

1 ~~promise on the part of the State of California to pay the sum of~~
2 ~~money specified therein and the signed and countersigned~~
3 ~~certificate shall be deemed a negotiable instrument for the sole~~
4 ~~purpose of the payment of property taxes owing in the name of~~
5 ~~the claimant or his or her spouse for purposes of all laws of this~~
6 ~~state.~~

7 ~~(e) A certificate of eligibility shall be valid for the duration~~
8 ~~prescribed thereon by the Controller.~~

9 ~~(f) The Controller shall issue certificates of eligibility at such~~
10 ~~times as the Controller determines will best implement the purpose~~
11 ~~of this chapter.~~

12 ~~(g) The Controller shall prescribe the manner in which a~~
13 ~~claimant eligible under this chapter, who has been issued a~~
14 ~~certificate of eligibility which is lost or destroyed prior to being~~
15 ~~filed with the local agency may obtain a duplicate copy of the~~
16 ~~certificate as a replacement. (Under conditions as may be~~
17 ~~prescribed by the Controller, a duplicate copy shall be deemed as~~
18 ~~having been filed with the local agency as of the date a claimant~~
19 ~~requests issuance of a duplicate copy.)~~

20 *SEC. 31. Section 20640.7 of the Revenue and Taxation Code*
21 *is amended to read:*

22 20640.7. The Controller shall prescribe the manner in which
23 a claimant eligible under this chapter, who for any reason is
24 incapacitated, may appoint his or her spouse or an authorized agent,
25 or have any such person appointed for such claimant, for all
26 purposes of claiming and ~~using certificates of eligibility for the~~
27 *receiving* postponement of property taxes.

28 *SEC. 32. Section 20640.8 of the Revenue and Taxation Code*
29 *is amended to read:*

30 20640.8. The claim for postponement shall be filed after ~~May~~
31 *15 October 1* of the ~~calendar~~ *fiscal* year in which ~~the fiscal year~~
32 ~~for which~~ postponement is claimed ~~begins~~, and on or before
33 ~~December 10~~ *February 10* of such fiscal year. If ~~December 10th~~
34 *February 10th* falls on Saturday, Sunday or a legal holiday, the
35 date is extended to the next business day.

36 *SEC. 33. Section 20640.9 of the Revenue and Taxation Code*
37 *is amended to read:*

38 20640.9. Each claimant applying for postponement under this
39 chapter shall file a claim under penalty of perjury with the

1 Controller on a form supplied by the Controller. The claim shall
2 contain:

3 (a) Evidence acceptable to the Controller that the person was a
4 ~~“senior citizen claimant.”~~ *62 years of age or older, or blind or*
5 *disabled as described in Section 20640.3.*

6 (b) A statement showing the household income for the period
7 set forth in Section 20503.

8 (c) A statement describing the residential dwelling in such
9 manner as the Controller may prescribe.

10 (d) The name of the county in which the residential dwelling is
11 located and the address of the residential dwelling.

12 (e) The county assessor’s parcel number applicable to the
13 property for which the claimant is applying for the postponement
14 of property taxes.

15 (f) Other information required by the State Controller to
16 establish eligibility.

17 *SEC. 34. Section 20645.5 of the Revenue and Taxation Code*
18 *is amended to read:*

19 20645.5. (a) If a postponement claim under Chapter 2
20 (commencing with Section 20581), Chapter 3.3 (commencing with
21 Section 20639), or Chapter 3.5 (commencing with Section 20640)
22 is filed timely before the delinquency date of the second installment
23 of property taxes on the secured roll, *received by the Controller*
24 *by February 10 for the fiscal year in which postponement is being*
25 *claimed or by another date set by the Controller pursuant to*
26 *Section 20622*, then any delinquent penalties, costs, fees, and
27 interest accrued for that fiscal year shall be canceled unless the
28 failure to perfect the claim was due to willful neglect on the part
29 of the claimant or representative.

30 (b) In the event of willful neglect, an electronic funds transfer
31 for that current fiscal year can be used to pay delinquent taxes only
32 if accompanied by sufficient amounts to pay all of the delinquent
33 penalties, costs, fees, and interest. If an amount sufficient to pay
34 all of the delinquent penalties, costs, fees, and interest is not
35 received by the tax collector within 30 days from the date of the
36 electronic funds transfer, the tax collector may return the electronic
37 funds transfer to the Controller to deny the postponement claim.

38 (c) (1) The Controller shall notify the claimant in writing when
39 the electronic funds transfer has been submitted to the tax collector.

1 (2) In the event of willful neglect, in addition to the information
2 required pursuant to paragraph (1), the Controller shall also notify
3 the claimant in writing and provide a copy of the notification to
4 the tax collector, that a payment amount sufficient to pay all of
5 the delinquent penalties, costs, fees, and interest must be received
6 by the tax collector within 30 days from the date of the electronic
7 funds transfer, and that if this payment is not received by the tax
8 collector, the tax collector may return the electronic funds transfer
9 to the Controller to deny the postponement claim.

10 ~~SEC. 4.~~

11 *SEC. 35.* Section 20645.6 of the Revenue and Taxation Code
12 is amended to read:

13 20645.6. (a) If the Controller denies a postponement claim
14 under Chapter 2 (commencing with Section 20581), Chapter 3
15 (commencing with Section 20625), Chapter 3.3 (commencing with
16 Section 20639), or Chapter 3.5 (commencing with Section 20640),
17 and the denial is reversed after appeal pursuant to Section 20645.1,
18 the Controller shall electronically transfer funds to the county for
19 the amount of the taxes. If the taxes for the fiscal year were
20 previously paid, the county shall refund the overpayment to the
21 taxpayer. If the taxes for the fiscal year are delinquent, any resulting
22 penalties or interest shall be canceled.

23 (b) The Controller shall notify the claimant in writing when an
24 electronic funds transfer has been made pursuant to subdivision
25 (a).